

HOUSE BUSINESS
ADMINISTRATIVE RULES REVIEW
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2008 Legislative Session

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

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HOUSE BUSINESS

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.21.01 - RULES OF THE IDAHO STATE CONTRACTORS BOARD

DOCKET NO. 24-2101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5207, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 126 and 127.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 26th day of October, 2007.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 / (208) 334-3945 fax

***THE FOLLOWING NOTICE PUBLISHED WITH THE
TEMPORARY AND PROPOSED RULE***

HOUSE BUSINESS

BUREAU OF OCCUPATIONAL LICENSES
Rules of the Idaho State Contractors Board

Docket No. 24-2101-0701
PENDING RULE

EFFECTIVE DATE: The effective date of the temporary rule is **June 14, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-5207, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 15, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This addition to the rules would allow the Board to consider felony convictions when determining eligibility for registration in order to protect the public.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reason:

To protect the public by allowing the board to consider felony convictions when reviewing applications for registration.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rule is to assist the board in the application process and protect the public.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2007.

HOUSE BUSINESS

BUREAU OF OCCUPATIONAL LICENSES Rules of the Idaho State Contractors Board

Docket No. 24-2101-0701
PENDING RULE

DATED this 28th day of June, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

151. -- 1764. (RESERVED).

165. ADDITIONAL QUALIFICATIONS FOR REGISTRATION (RULE 165).

Applicants for a registration shall meet the following qualifications in addition to those set forth in Section 54-5210, Idaho Code and these rules. ()

01. Felony Conviction. Not have been convicted of any felony in a state or federal court; provided the applicant may make written request to the board for an exemption review to determine the applicant's suitability for registration, which the board shall determine in accordance with the following: ()

02. Exemption Review. The exemption review shall consist of a review of any documents relating to the felony and any supplemental information provided by the applicant bearing upon his suitability for registration. The board may, at its discretion, grant an interview of the applicant. ()

- a.** During the review, the board shall consider the following factors or evidence: ()
- i.** The severity or nature of the felony; ()
- ii.** The period of time that has passed since the felony under review; ()
- iii.** The number or pattern of felonies or other similar incidents; ()
- iv.** The circumstances surrounding the crime that would help determine the risk of repetition; ()
- v.** The relationship of the crime to the registered practice of construction; and ()
- vi.** The applicant's activities since the crime under review, such as employment, education, participation in treatment, payment of restitution, or any other factors which may be evidence of current rehabilitation. ()
- b.** The applicant shall bear the burden of establishing his current suitability for registration. ()

03. Fraud in Application Process. The registration application and supporting documents are free from any fraud or material misrepresentations. ()

166. -- 174. (RESERVED).